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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,072	08/20/2004	Denis Burke Drennan	A4-1731	5071
27127	7590	09/07/2005	EXAMINER	
HARTMAN & HARTMAN, P.C. 552 EAST 700 NORTH VALPARAISO, IN 46383			WIEKER, AMANDA FLYNN	
			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/711,072	DRENNAN, DENIS BURKE
	Examiner	Art Unit
	Amanda F. Wieker	3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 October 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 October 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 8/20/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

*Claim Suggestions*

1. In claims 5 and 17 it is suggested that: "adjustably closing means" be amended to --adjustable closing means--.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 3,804,085 to Eshuis et al. in view of U.S. Patent Number 3,978,853 to Morrison.

Eshuis et al. disclose a traction device comprising:

a body (11) formed of a flexible and compressible material (fabric and foam) having a forefoot portion (15) and a lower leg portion (11), oppositely-disposed anterior (top in Figures 2-3) and posterior (bottom in Figures 2-3) regions, oppositely-disposed lateral regions (at 20), a continuous cavity within the forefoot and lower leg portions (receiving leg in Figure 3), an interior surface within the cavity, and an anterior opening located in the anterior region and sized to permit a patient's foot and lower leg to pass therethrough into the cavity (see Figure 3), the cavity within the lower leg and forefoot portions being capable of supporting a patient's lower leg above a bed on which the patient reclines and the patient's foot extending in an upright position (Figure 3) and so that the patient's heel is necessarily suspended within the cavity (above the bed) and heel and malleolar pressure are necessarily reduced; means for

adjustably closing (13, 14) the anterior opening; and traction straps (20) removably (stitching capable of being severed and removed) attached to the lateral regions of the body and extending from the forefoot portion of the body to form a loop. The adjustable closing means comprise straps (13) attached to the lateral regions of the body, wherein the straps are capable of being removed. Eshuis et al. do not specify that the interior surface material (foam and fabric) contacting the patient's leg be a high friction interface.

Morrison discloses a traction device comprising a body (14) formed of a flexible and compressible material having an interior surface (inner surface of 80) for contacting a patient's foot and lower leg. Morrison discloses traction straps (36, 38) extending from the body and connected to a traction-generating device (22). Morrison specifies that the interior surface (foam 80) of the body provides a sufficiently high friction interface (column 4, lines 53-59) with the patient's lower leg capable of preventing sliding of the body on the patient's lower leg when a traction tension of 45N or any other selected tension is applied (column 3, lines 35-37), so as to distribute traction forces evenly (column 2, lines 31-35 and column 4, lines 53-59) to the leg.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the traction device disclosed by Eshuis et al., wherein the interior surface of the body is a high-friction interface, as taught by Morrison, to distribute traction forces evenly to the leg.

4. Claims 1-4 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eshuis et al. in view of Morrison and in view of U.S. Patent Number 3,780,731 to Quello.

Eshuis et al. in view of Morrison disclose the previously described traction device adapted to apply traction to a patient's leg. Eshuis et al. specify that the device comprise a

traction straps defining a loop, but Eshuis et al. do not specify how traction is then applied to the traction straps.

Quello discloses a traction device comprising a body (12) secured to a patient's lower leg, and including traction straps (11) removably attached to the lateral regions of the body. Quello discloses a traction bar (14) secured to the loop (looped end of 11) of the traction straps, and a traction rope ("cord") secured to the traction bar, to effectively apply traction to the lower leg of the patient.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the traction device disclosed by Eshuis et al. in view of Morrison, wherein the traction straps are connected to a traction bar and rope, as taught by Quello, to effectively apply traction to the lower leg of the patient.

5. Claims 1-2, 5-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eshuis et al. in view of Morrison and in view of U.S. Patent Number 5,449,339 to Drennan.

Eshuis et al. in view of Morrison disclose the previously described traction device adapted to apply traction to a patient's leg. Eshuis et al. specify that the device comprise a flexible body to prevent foot drop. Eshuis et al. do not disclose specific additional elements of the flexible body.

Drennan discloses a body (10) for preventing foot drop formed of a flexible and compressible material (foam) having a forefoot portion (30) and a lower leg portion (32), oppositely-disposed anterior (top in Figure 3) and posterior (bottom in Figure 3) regions, oppositely-disposed lateral regions (left and right in Figure 2), a continuous cavity within the forefoot and lower leg portions (receiving leg in Figure 3), an interior surface within the cavity, and an anterior opening located in the anterior region and sized to permit a patient's foot and

lower leg to pass therethrough into the cavity, the cavity within the lower leg and forefoot portions being capable of supporting a patient's lower leg above a bed (14) on which the patient reclines and the patient's foot extending in an upright position (Figure 3) and so that the patient's heel is suspended within the cavity (see Figure 3) and heel and malleolar pressure are reduced; means for adjustably closing (48) the anterior opening. The adjustable closing means comprise straps (48) attached to the lateral regions of the body (see Figure 1), wherein the straps are capable of being removed. Drennan discloses that one of the lateral regions (40) is larger than the other and is sized to cover at least part of the patient's lower leg (column 4, lines 47-50). Drennan also discloses means for reducing friction (70) on the posterior region of the body and means for stiffening (70) the posterior region of the body. Drennan disclose a separate support cushion (52; Figure 3) within the cavity of the body, being located between the patient's lower leg and the body, wherein the cushion is formed of flexible and compressible material and is secured to the interior surface of the body (via 54). Drennan further discloses a separate support pad (52, Figure 7) and means for securing (54) the support pad to a lateral region of the body. Drennan specifies that these elements of the flexible body comfortably support the foot and prevent foot drop.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the traction device disclosed by Eshuis et al. in view of Morrison, wherein the body of the device includes the elements taught by Drennan, to comfortably support the foot during traction and prevent foot drop.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda F. Wieker whose telephone number is 571-272-4794. The examiner can normally be reached on Monday-Thursday, 7:30 - 5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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afw